

01-22-01

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Docket # PF-0293-3 DIV

"Express Mail" mailing label number EL 743 379 939 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on 1-18-01

By: Nancy RamosPrinted: Nancy Ramos

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No. 09/265,294, filed on March 9, 1999, which is a divisional application of U.S. application Serial No. 09/100,851, filed June 19, 1998, now U.S. Patent No. 5,911,984, which is a divisional of U.S. application Serial No. 08/872,784, filed June 11, 1997, now U.S. Patent No. 5,776,753, all entitled HUMAN PEROXISOMAL THIOESTERASE.

1. X Enclosed is a specification corresponding to the prior application, U. S. Application Serial No. 08/872,784 filed June 11, 1997, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 08/872,784, filed June 11, 1997, to which priority is claimed. In accordance with 37 C.F.R. § 1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/872,784 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3. X Cancel in this application original claims 2-9, 12-21, and 23 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims

during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

4. X The inventors of the invention being claimed in this application are: Jennifer L. Hillman, Purvi Shah, and Neil C. Corley.
5. X In accordance with 37 CFR 1.63(d), a copy of the originally signed declaration showing applicants' signatures as filed on June 11, 1997 is enclosed.
6.     Amend the specification by inserting after the title:
7. X The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate	Fee	Basic Fee
						\$710.00
Total Claims	20	-20	0	x \$18		\$ 0
Indep. Claims	3	-3	0	x \$80		\$ 0
<u>   </u> Multiple Dependent Claim(s), if any					+ \$270	\$ 0

**TOTAL FILING FEE \$ 710.00**

8.     An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. X Please charge Deposit Account No. **09-0108** in the amount of \$ 710.00.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. **09-0108**.

A **duplicate** copy of this Request is enclosed.

10. X New formal drawings are enclosed.
11. X The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on January 16, 1998, at reel 8929/frame 0266.
12.     A preliminary amendment is enclosed.
13. X Also enclosed: Return Postcard, Information Disclosure Statement, List of Cited References (PTO-1449), Submission of Formal Drawings, Revocation and Power of Attorney.

14. X The power of attorney of the prior application is to:

Narinder S. Banait	Reg. No. 43,482
Lucy J. Billings	Reg. No. 36,749
Michael C. Cerrone	Reg. No. 39,132
Diana Hamlet-Cox	Reg. No. 33,302
Colette C. Muenzen	Reg. No. 39,784
Lynn E. Murry	Reg. No. 42,918
Danielle M. Pasqualone	Reg. No. 43,847
Susan K. Sather	Reg. No. 44,316
David G. Streeter	Reg. No. 43,168

- a. X A Certificate Under 37 C.F.R. §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys is attached.
- b.     Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. X Address all future correspondence to:

**INCYTE GENOMICS, INC.  
PATENT DEPARTMENT  
3160 Porter Drive  
Palo Alto, California 94304  
Phone: (650) 855-0555, Fax: (650) 845-4166**

Date:

18 January 2001

By:

Shirley A. Recipon  
Shirley A. Recipon  
Reg. No. 47,016  
Direct Dial Telephone: (650) 621-8555

- Inventor(s)  
    Assignee of complete interest  
X Attorney or agent of record  
    Filed under 37 CFR 1.34(a)  
    Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_.

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By: Nancy RamosPrinted: Nancy Ramos

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hillman et al.Title: HUMAN PEROXISOMAL THIOESTERASESerial No.: To Be AssignedFiling Date: HerewithExaminer: To Be AssignedGroup Art Unit: To Be Assigned

**Official Draftsperson**  
Commissioner for Patents  
Washington, D.C. 20231

### SUBMISSION OF FORMAL DRAWINGS

Sir:

Transmitted herewith are Figure(s) 1A, 1B, 1C, 2A, 2B, 3A, and 3B, as seven (7) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the reverse side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. **09-0108**. **A duplicate copy of this communication is enclosed.**

If there are any questions regarding the above, the Examiner is invited to call the undersigned at 650-855-0555.

Respectfully submitted,  
INCYTE GENOMICS, INC.

Date: 18, January 2001

Shirley A. Recipon  
Shirley A. Recipon  
Reg. No. 47,016

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